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WATER CONVEYANCE ADVISORY COMMITTEE

MINUTES OF THE APRIL 4, 2016 MEETING

I. Call to Order

Kurt Dreyer called the meeting to order at 4:03 p.m.

WCAC members present: Kurt Dreyer, Russell Scossa, David Hussman and Fred Stodieck

WCAC member absent: Dennis Jensen

Staff present: Cynthea Gregory, District Attorney
Coleen Thran-Zepeda, Development Coordinator
Erik Nilssen, County Engineer (Staff Contact for WCAC)

Public present: Victor Wilson Patrick Kieva
Kevin Lane Suzanne Towse
David Hagen

II. Public Comment

Mr. Dreyer asked if there was any public comment; there was none.

III. Approval of Agenda

Mr. Dreyer asked if there was any public comment on the agenda; there was none.

Motion made by Mr. Scossa to approve the agenda as presented; seconded by Mr. Stodieck.
Motion carried unanimously.

IV. Disposition of the February 1, 2016 WCAC minutes.

Mr. Dreyer asked if there was any public comment on the minutes; there was none.

Motion made by Mr. Scossa to approve the minutes as mailed, with no deletions, additions or corrections; second by Mr. Stodieck. Motion carried unanimously.

V. Public Comment

No public comment; public comment closed.

VI. Discussion and Possible Action.

- 1. For Discussion and Possible Action. Determination on right-of-way for water conveyance and irrigation facilities concerning Phase 1 of Rain Shadow Ranch located along the west side of Rubio Way. APN's 1120-17-615-001, 1120-17-615-002, 1120-17-615-003, 1120-17-615-004 and 1220-17-615-022. Applicant is Suzanne Towse.**

Mr. Nilssen prepared a Memorandum for the meeting and will summarize. After the January WCAC meeting Ms Towse was asked to produce an easement. It was proved and it appears the easement from 1921 is a private one and was used for waste water, not irrigation. Location of the Deed is undetermined. The ditch that runs north along the east side of Rain Shadow Ranch appears to dead end and there is no issue with the public or the county. It would be an extinguishment between private property owners and would not involve the public. The county maps do not show this irrigation easement.

Mr Scossa asked for clarification from Ms Towse. The map at the last meeting is different than the one provided today. They were looking at a ditch that might have extended on to someone else that might have water rights. Ms Towse responded that the ditch dead ends. Right past it is another ditch that flows north. Mr Scossa clarified that the ditch they want to abandon has no downstream users and has no irrigation in it. Ms Towse responded that is correct.

For the record, Ms Gregory pointed out that there is no easement for that ditch. So the question became is there anything to be abandoned which is why they asked if there was any type of easement. This project was approved in the early 2000's and there was no easement that was put on this ditch. Ms Towse said there are four lots that have water rights; they do not want to keep them. They all want to sell them. Ms Towse does not know how they will get water to them.

Mr Hussman said everything falls to the west. The only possible way it would be useful at all is if Drayton Blvd was ever completed. If the ditch dead ends, then he's not sure where it's going. Ms Towse said the last time it was open was 2006 which is the last time they irrigated. Mr Hussman has no problem with seeing it go away but it might not be an item for them to take a position on anyway.

Mr. Dreyer asked if there was any public comment; there was none.

Mr. Dreyer asked if they really needed to vote on it. Ms Gregory said she didn't think they needed to vote on it, she felt their statements were enough unless you wanted to say there is no recognized public easement over the area.

Motion made by Mr. Scossa to approve based on the statement from Ms Gregory that there is no recognized easement and the matter is private; second by Mr. Dreyer. Motion carried unanimously.

2. For Discussion and Possible Action. Discussion on Planned Development (PD) 04-002-2, a request for a major modification to the Planned Development for Rain Shadow Ranch, Phase 2 and Phase 3, to develop 27 residential lots with the concurrent submittal of Land Division Application (LDA) 16-004, a tentative subdivision map. The subject property is located at 1150 Kingston Lane and is in the SFR-1/2 (Single Family Residential, ½-acre minimum parcel size) zoning district in the Gardnerville Ranchos community plan. The applicant is Kevin Lane of KRL Enterprises, Inc. and the owner is Randy Lane of Maryanne Road LLC. APN 1220-17-615-021.

Mr. Lane stated that they acquired what was left over from Phase 1 where originally 23 lots were approved. They reworked the roads and now have 27 lots which is why they are now at the WCAC. Mr. Nilssen said from his Memorandum for this Phase 2 of the project, the developer is proposing to put a ditch easement on the eastside of the project. We just approved more or less the abandonment of the ditch on Phase 1. To him it doesn't make sense to put an easement on that. It may be something you wish to fill and remove the easement. Additionally on the west side of the project, the Edna Wilself ditch is incorrectly identified on the map.

Mr Nilssen spoke with Steve White the ditch master for the Rocky and he said the ditch on the west side of Rain Shadow Ranch does not have a name. It does seem to perpetuate flows back to the ditch, he is unsure of the ditch's name.

It appears there does need to be an easement along there. The correct height would be 32 feet, plus the top width of the bank. Mr Hagen responded that they did 16 feet off the top so they should be compliant. Mr Nilssen agreed that would be compliant. Ms Gregory responded that it was within their discretion whether they split in 16' 16'. You can get the full 32' with this map or as you have done with other map, you have done 20' and 10'. Mr Nilssen said the ditch is not on Rain Shadow property so they would not be able to get the full 32 feet. Mr Scossa asked if the property was bordering that ditch. Mr Stodieck asked whose property is on the side that the main ditch is sitting on. Ms Towse said it was Nimby Farms and that was Edmonds.

Mr Hagen said there were 3 downstream users that the Water Master gave them and they also had them list Edna Ditch water right holders, hence the reason they thought it was the continuation of the Edna. Mr Scossa replied that it is a lateral off of the Edna. It comes of the river into the Edna and then onto you guys. Mr Scossa replied it would take someone that new a little about the history of those properties as to how that ditch was maintained originally. Mr Scossa stated that someone should have found out who the downstream users were and notified them to be at this meeting. Mr Hagen responded that they did notify them. They notified 4 people.

Mr Nilssen for the record said that he does not know if that is critical since there is not development over the ditch at this time. Mr Scossa said without going to the ditch and seeing how it's been cleaned or how the access was, you can put whatever easements you want on it, if

that guy can't get to the easement from somewhere it's worthless. Mr Hagen replied that Mr Scossa made a very good point. From a common sense perspective us giving you that easement doesn't even give you access to it. You need access off Kingston or off the neighboring property to get to that ditch. It was mentioned that they don't own that lot. Mr Stodieck said if that property were to get developed they would have to move the ditch over a little ways to stay completely away from each other.

Mr Hagen stated that all signs are indicating that it is accessed from the other side. Mr Kieva stated that last week he drove by there and they were burning in that ditch, the west side of the property. Mr Stodieck asked if they even have a right to require an easement if it's not on the property. Ms Gregory said it looks like it is at one point. Mr Hagen replied that the top of bank is right at the property line. They were providing the additional 16 feet but now that they are bringing all this up it doesn't make sense. Mr Scossa said we do need something though. Mr Hagen said they can provide some sort of easement, maybe 8 feet so they can get to the other side of the ditch. Mr Scossa said they need some stability. Mr Lane said they building sites are up and it's somebody's back yard at the bottom of the slope. Mr Scossa asked if it would hurt to put the 16 feet as presented. Mr Hagen and Mr Lane didn't have a problem with that.

Mr Scossa wanted to accept as presented.

Mr Nilssen said the south end of the property has an irrigation gate that allows irrigation to go north or west along the south property line. This exhibit does not show the ditch that runs along the south property. Mr Lane replied that it does not go the whole way. The whole bank and build up goes away from the property. It dead ends like the Rubio one did. Ms Gregory asked if there were no downstream users. Mr Lane replied that he could not find any.

Mr Hussman said as far as he could see there is no way to get water unless it's piped. Mr Nilssen replied it is piped. He believed Rain Shadow Ranch Ph 1 piped it from Edna past the homes along the south side. The pipe is hard to find.

Mr Hussman said you propose an easement on the ditch which isn't going anywhere. Mr Scossa asked if the junction box sat on anyone's property. Mr Lane said no.

Mr Scossa said if you have enough stability away from that ditch then he would say it's not on your property and if someone hasn't accessed your property to do anything with it we shouldn't worry about it.

Mr. Dreyer asked if there was any public comment; there was none

Mr Hussman had one more comment; how will the drainage work. Mr Lane said the permit said they had to clean up the system and make sure it's functioning properly. There is a requirement in the planning conditions of the map. Per the CC&R's they have to capture it on their own property. They are not allowed to let water run off their own property.

Mr Hussman asked Mr Hagen to explain his proposed easement. Mr Hagen said it's about 16 feet from the property line. Ms Gregory asked how many lots would have the easement. Mr Lane replied 5; Mr Hagen replied lots 50-54;

Mr Hussman moved to approve the map as presented, with the addition of a 16 foot ditch easement north of the southern property line on parcels 50-54 and we drop any requirement for a ditch easement on the east side of lot 54 & 55. The proposed easement is not necessary.

Motion made by Mr. Hussman to approve the map as presented, with the addition of a 16 foot ditch easement north of the southern property line on parcels 50-54 and we drop any requirement for a ditch easement on the east side of lot 54 & 55. The proposed easement is not necessary second by Mr. Dreyer. Motion carried unanimously.

Administrative

Mr. Dreyer asked the panel and Ms Gregory if any correspondence had been received since the last meeting; there was none.

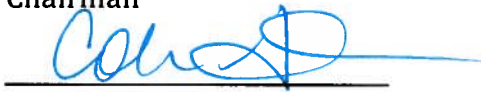
Adjournment

Mr. Scossa made a motion to adjourn with a second by Mr. Stodieck. The meeting was adjourned at 4:40 pm by Chairman Dreyer.

Respectfully submitted,



Kurt Dreyer
Chairman



Coleen Thran-Zepeda
Development Coordinator